



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: ENF-L

JUL 22 2015

Ms. Elizabeth H. Temkin
Temkin Wielga & Hardt LLP, Counsel for M2Green LLC
1900 Wazee Street, Suite 303
Denver, Colorado 80202

Sent via electronic mail only.

Re: Proposed Administrative Order on Consent, Smurfit Stone Mill Site, Missoula Montana

Dear Ms. Temkin:

Enclosed please find a final red-lined version of the Administrative Order on Consent (AOC) for the Smurfit Stone Mill Site in Missoula, Montana (Site). Based on the timeline you provided to EPA showing AOC completion by the end of July, and our mutual goal of collecting data this season, we propose finalization as soon as possible. To that end, please provide the names of the contractor and laboratories the potentially responsible parties (PRPs) plan to use so we can add the information into the document and send back a signature-ready version.

We understand that a draft Work Plan, including a Sampling and Analysis Plan (SAP) will be submitted on July 24th. During the EPA/PRP technical meeting held July 14, 2015, there appeared to be outstanding issues regarding the schedule for data collection and the flood plain study. EPA and the State prefer that the flood plain study data collection begin as soon as possible; failure of the dikes or a major flood could have a significant impact on the river. The sampling discussions and rationales presented to EPA thus far have been insufficient to accommodate this concern. Should the Work Plan submitted on the 24th not capture what we feel is necessary, we propose reverting the language of the AOC back to model language such that within thirty days of signature, the AOC signatories would submit (among other documents) the Work Plan and SAP. The extended timeframe would allow EPA and the PRPs come to agreement on data collection and make sure the Remedial Investigation is conducted in a way that will both expedite redevelopment, and allow all parties to better understand the nature and extent of contamination. Please feel free to contact me with any questions. I can be reached by phone at 303.312.6410. I look forward to hearing from you regarding the names of the contractor and laboratories, and working further with you on this project.

Sincerely,

Amelia Piggott
Enforcement Attorney



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Enclosure

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